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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 3rd December, 1969|Agrahayana 12, 1891 (Saka)

The following Act of Parliament received the assent of the President on the 2nd December, 1969, and is hereby published for general information:—

THE WAKF (AMENDMENT) ACT, 1969

No. 38 OF 1969

[2nd December, 1969]

An Act further to amend the Wakf Act, 1954.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Wakf (Amendment) Act, 1969. Short title.

29 of 1954. 2. In section 2 of the Wakf Act, 1954 (hereinafter referred to as the principal Act), in the proviso, for the words, figures and brackets "the Durgah Khawaja Saheb Act, 1936 and the Durgah Khawaja Saheb (Emergency Provisions) Act, 1950, apply", the words and figures "the Durgah Khawaja Saheb Act, 1955, applies" shall be substituted. Amendment of section 2.

28 of 1936.
17 of 1950.
36 of 1955.

3. In section 3 of the principal Act, for clause (g), the following clause shall be, and shall be deemed always to have been, substituted, namely:— Amendment of section 3.

'(g) "net annual income", in relation to a wakf, means the gross income thereof from all sources in a year excluding only—

(*i*) land revenue, cess, rates and taxes payable to the Government or any local authority; and

(*ii*) donations given or offerings made with a specific direction that they shall form part of the corpus of the wakf:

Provided that the interest or income, if any, accruing from such donations or offerings shall be taken into account in calculating the gross annual income;'.

Amendment of section 4.

4. In section 4 of the principal Act, in sub-section (*3*),—

(*a*) after the words "submit his report", the words ", in respect of wakfs existing at the date of the commencement of this Act in the State or any part thereof," shall be, and shall be deemed always to have been, inserted; and

(*b*) in clause (*a*), for the words "in the State", the words "in the State, or as the case may be, any part thereof" shall be, and shall be deemed always to have been, substituted.

Amendment of section 5.

5. In section 5 of the principal Act, in sub-section (*2*), for the words "existing in the State", the words "existing in the State, or as the case may be, the part of the State to which the report relates, and" shall be, and shall be deemed always to have been, substituted.

Amendment of section 6.

6. In section 6 of the principal Act, in sub-section (*1*),—

(*a*) for the words "whether a particular property is wakf property or not or whether a wakf is a Shia wakf or Sunni wakf", the words "whether a particular property specified as wakf property in a list of wakfs published under sub-section (*2*) of section 5 is wakf property or not or whether a wakf specified in such list is a Shia wakf or Sunni wakf" shall be, and shall be deemed always to have been, substituted; and

(*b*) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that in the case of the list of wakfs relating to any part of the State and published or purporting to have been published before the commencement of the Wakf (Amendment) Act, 1969, such suit may be entertained by the civil court within the period of one year from such commencement.".

Amendment of section 7.

7. In section 7 of the principal Act, in sub-section (*1*),—

(*a*) for the words "publication of the list of wakfs", the words "publication of the list or lists of wakfs" shall be substituted; and

(*b*) for the words "by all the mutawallis in proportion to the income of the property of the wakfs situated in the State", the words "by all the mutawallis of the wakfs the net annual income whereof exceeds one hundred rupees, in proportion to the net annual income accruing in the State to such wakfs" shall be substituted.

Amendment of section 8B.

8. In section 8B of the principal Act, in sub-section (*1*), the words "of the properties" and the words "of the property" shall be omitted.

Amendment

9. In section 46 of the principal Act, in sub-section (*1*), for the words "net annual income of such of its property as is situate in the State", the words "net annual income accruing in the State to the wakf" shall be, and shall be deemed always to have been, substituted.

Special provisions as to certain lists of wakfs published under sub-section (2) of section 5.

10. Notwithstanding anything contained in any judgment, decree or order of any court to the contrary, and subject to the provisions of the second proviso to sub-section (*1*) of section 6 of the principal Act as amended by this Act, every list of wakfs purporting to be a list of wakfs existing at the date of the commencement of the principal Act in any part of a State and published or purporting to have been published under sub-section (*2*) of section 5 of the principal Act, before the commencement of the Wakf (Amendment) Act, 1969, shall be deemed to be, and shall be deemed always to have been, published in accordance with law.

Validation of contributions paid or realised under section 46.

11. Notwithstanding anything contained in any law or any judgment, decree or order of any court, all contributions paid or realised, or purporting to have been paid or realised, under section 46 of the principal Act, which would have been validly paid or realised if the amendments made to the principal Act by this Act were in force on the date of such payment or realisation, shall, for all purposes, be deemed to be, and shall be deemed always to have been, paid or realised in accordance with law, and accordingly—

(*a*) no suit or other legal proceeding shall be maintained or continued in any court for the refund of the whole or any part of the contribution so paid or realised; and

(*b*) no court shall enforce any decree or order directing the refund of the whole or any part of the contribution so paid or realised.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

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